

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANNETTE P. TISSUE, a single
woman,

Plaintiff,

v.

CITIFINANCIAL, INC., a Texas
Corporation doing business in
Spokane, Washington, and their
AGENTS, QUICKEN LOANS, INC.,
a Michigan Corporation doing
business in Spokane, Washington, and
their AGENTS, and
COUNTRYWIDE HOME LOANS,
INC., a Texas Corporation doing
business in Spokane, Washington and
their AGENTS,

Defendants.

NO. CV-09-53-RHW

**ORDER ADDRESSING
PENDING MOTIONS**

Before the Court is Defendant Quicken Loans, Inc.'s Motion to Dismiss (Ct. Rec. 18); Plaintiff's Motion to Shorten Time to Amend Complaint (Ct. Rec. 25); Plaintiff's Motion to Amend Complaint (Ct. Rec. 27); and Plaintiff's Motion to Late File Responsive Memorandum to Motion to Dismiss (Ct. Rec. 36).

After Defendant Quicken Loans filed its Motion to Dismiss, Plaintiff filed a late response and asked the Court to permit the late filing. Defendant Quicken Loans objects to an extension of time and asks the Court to grant the motion based on the failure to timely file a response. Defendant Quicken Loans has not demonstrated how it was prejudiced by the late filing. Indeed, it was able to file a reply prior to the date the motion was noted for hearing. Therefore, Plaintiff's Motion to Late File Responsive Memorandum to Motion to Dismiss will be

1 granted.

2 Likewise, Defendant Quicken Loans opposes Plaintiff's Motion to Shorten
3 Time to Amend Complaint, but fails to demonstrate how it was prejudiced if the
4 Court were to grant the motion. Plaintiff's Motion to Shorten Time to Amend
5 Complaint will be granted.

6 Plaintiff seeks permission to amend her complaint. Her motion to amend
7 appears to be in response to Defendant Quicken Loan's motion to dismiss. The
8 Court agrees with Defendant Quicken Loans that having these competing motions
9 is confusing. However, because motions to amend should be freely granted, *see*
10 Fed. R. Civ. P. 15(a), the Court will permit Plaintiff to file her amended complaint
11 and deny Defendant Quicken Loan's motion to dismiss with leave to renew.
12 Plaintiff is directed to file her proposed amended complaint as an Amended
13 Complaint in the court record.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 1. Defendant Quicken Loans, Inc.'s Motion to Dismiss (Ct. Rec. 18) is
16 **DENIED**, with leave to renew.

17 2. Plaintiff's Motion to Shorten Time to Amend Complaint (Ct. Rec. 25) is
18 **GRANTED**.

19 3. Plaintiff's Motion to Amend Complaint (Ct. Rec. 27) is **GRANTED**.

20 4. Plaintiff's Motion to Late File Responsive Memorandum to Motion to
21 Dismiss (Ct. Rec. 36) is **GRANTED**.

22 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
23 Order and forward copies to counsel.

24 **DATED** this 17th day of June, 2009.

25 *S/ Robert H. Whaley*

26 ROBERT H. WHALEY
27 Chief United States District Judge

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